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FINANCIAL.

LOANS-Money on mortgages. C. F. SAYLES, 127 East Market street. LOANS-On city property; 5% per cent.; no com-mission; money ready. C. N. WILLIAMS & CO., 319 Lemcke building. FINANCIAL-Loans made to nonest salaried people, holding permanent positions with repeople, holding permanent positions. Easiest terms. Get others' rates, then see us. Strictly confidential. SECURITY MORTGAGE LOAN

SOCIETY NOTICE.

CO., 207 Indiana Trust building.

MASONIC-Pentalpha Lodge, No. 564, F. and A Masons. Stated meeting this (Thursday) even-ing, Nov. 1, in Masonic Temple, at 8 o'clock. ELMER A. SMYTHE, W. M. F. T. M'QUIDDY, Secretary.

STORAGE.

STORAGE-The Union Transfer and Storage Company, corner East Ohio street and Beeline tracks; only first-class storage solicited CRATING AND PACKING OF HOUSEHOLD GOODS A SPECIALTY.

WANTED-MISCELLANEOUS.

of Dentistry, southwest corner of Ohio and Illi nois streets. No charge, except for cost of ma-terial.

FOR SALE. FOR SALE-The Hotel Windsor, at Rushvil A large brick building, tin roof and good repair. The lessee will sell the furnitu sell. Address O. C. BRANN, lessee, or CAPT J. H. MAUZY, owner, Rushville, Ind.

THE RECORD SHOWS THE FACT

Bryan Voted Against Teaching Eng-Hish in New Mexico's Public Schools.

To the Editor of the Indianapolis Journal:

During the last week numerous telegrams and letters have reached me from various parts of the country asking for the facts connected with Mr. Bryan's vote against the teaching of the English language in the schools of New Mexico. A ournal clerk of the national House Representatives, and being familiar wit ceedings thereof, I have conclude to give out the following statement so that the facts may be known as they absolutely

On Jime 27, 1894, the House was pro under a special order, having unsideration House Bill 353 of the Fifty-third Congress, being "A bill to enable the people of New Mexico to form ficials and employes.
a constitutional and State government and G. S. McKee, form nitted into the Union," etc. The ollowing paragraph, being a part of Sec

"Fourth-That provision shall be made for the establishment and maintenance of a system of public schools which shall open to all the children of said State and free from sectarian control.

Mr. Smith, of Illinois (Republican), sul mitted the following amendment: "Insert on Page 5, in Line 52, after the dent. of which public schools the English lan-

guage shall be taught.' after two hours' debate, in which the Republicans appealed to the Democrats to accept this amendment, Mr. Joseph (Democrat), delegate from New Mexico, ematically refused. The following Repubicans spoke in favor of the amendment Mr. Smith, of Illinois; Mr. Hopkins, or inois; Mr. Gear, of Iowa; Mr. Perkins, of owa; Mr. Bingham, of Pennsylvania, and Mr. Burrows, of Michigan. The following | tracked. Democrats spoke in opposition to the dment: Mr. Joseph, of New Mexico; Mr. O'Neill, of Massachusetts; Mr. Wheel er, of Alabama; Mr. Boatner, of Louisiana and Mr. Crain, of Texas. During the course of the debate Mr. Hopkins, of Illihois (Rep.), said: "I trust the gentleman from New Mexico will not object to so reasonable an amendment as this. It does not prohibit the teaching of the Spanish or any other language in the public schools if the Legislaure chooses to provide for it. * * * I Grand Rapids & Indiana. trust that there is patriotism enough in

cline to admit New Mexico into the Union as a State unless so just and so proper an amendment as this be adopted." Mr. Bingham, of Pennsylvania (Rep.), "I believe that the English language. with no exclusion of other languages, as the language of the Nation and its laws, should be the basis of the education of

On motion of Mr. Burrows, of Michigan (Rep.), the yeas and nays were ordered, and, as recorded on Page 6916 of Volume 28. Part 7 of the Congressional Record. and also House Journal, second session. Fifty-third Congress, Page 453, the year (favoring the amendment were 84; the nays (opposing the amendment), 117, Of the 84 voting in the affirmative six were Democrats, namely: English, of New Jersey: Goldzier, of Illinois; Harter of Ohio; Ikirt, of Ohio; McNagny, of Indiana, and Ritchie, of Ohio, voted for the amendment. Also four Populists-Harris, of Kansas; Hudson, of Kansas; Kem, of Nebraska; McKeighan, of Nebraska, voted for the amendment. Of the 117 votes cast against the amendment one Republican-Hepburn,

of Iowa-voted against it. Both the Record and the Journal show is, against the amendment.

A further amendment was proposed by the Republicans (by Mr. Wilson, of Ohio), "On Page 5, after Line 52, insert th following: 'And for teaching the English

language as a branch of study in all pub-He schools, but not to the exclusion of other languages. The yeas and nays are recorded on this amendment also, being 81 in favor of the emecrats voted with four Populists for

ndment, and 115 against it. Four against it. Mr. Bryan is recorded as vot- history, 6,800 cars being handled in the ing no against the amendment. (Record. above, Page 454.) The foregoing becomes very important

at this time, as the Democratic and Populist papers and speakers have challenged the statement contained in the Republican Campaign Text-book of 1898, Pages 37 and 38, as not representing facts as recorded in the record. I have made a careful comparison of the vote and find it correctly stated in the text-book as above re-THOMAS H. M'KEE, Journal Clerk, H. R. Washington, D. C., Oct. 30.

The Journal's Reduction in Price.

among certain of the subscribers to The Journal, namely, that the recent reduction in the subscription price of the paper was only temporary, and that a return to former rates would take effect when the campaign closes. This is an error. The present published price of the paper will be permanently maintained and its high standard will in no way be impaired. Send

THE AIR-LINE TO BE SOLD

THE COURT FIXES NOV. 22 AS DAY OF SALE AT HUNTINGBURG.

Vandalia Attorneys Preparing to Appeal to Higher Courts in the Litigation with the State.

Second Vice President Finley, of the Southern Railway, yesterday confirmed the report of the appointment of George C. Smith, present general manager of the Atlanta & West Point road, to be general manager of a division of the Southern Railway, to comprise both the Louisville, Evansville & St. Louis, generally known as the Air-line, and the present Louisville division of the Southern, running from Louisville to Lexington. The Louisville Air-line road is now in the hands of a receiver and will be sold under foreclosure of certain mortgages Nov. 22 at Huntingburg, Ind. The Southern will buy it in.

A Long Receivership in Prospect.

One of the attorneys of the Vandalia said yesterday that they were preparing to appeal from the decision of Judge Carter in the Terre Haute & Indianapolis Railway. and, should the Supreme Court of Indiana sustain Judge Carter's decision, the case would then be carried to the United States Supreme Court. On Nov. 14 the Vandalia will have been in the hands of Receiver Malott four years, and from present indi-cations will be for three, possibly five, years to come. Fortunately, as a high official of the Pennsylvania road said, under the receivership the road is now operated as economically and successfully for its owners as it could be under any management that could be selected.

Annual Meeting of the Big Four.

At the annual election of the Cleveland, Cincinnati, Chicago & St. Louis Railway Company in Cincinnati yesterday W. K. Vanderbilt, Chauncey M. Depew, J. Pierwere 60,000 shares preferred and over 200,000 shaes of common stock voted, although President Ingalls, Vice President Layng, Treasurer Cox, Secretary Osborne and a few others were the only ones present. The annual report had been previously pub-Among the improvements contemplated is a short line via Rising Sun to ouisville, and this is to be considered at the meeting of the directors in New York

Personal, Local and General Notes. Frand J. Reed, general passenger agent of he Monon lines, was in the city last even-

The wife of R. J. McGill, passenger conductor on the Big Four, is seriously ill, and yesterday he was off duty. William R. Burns, for many years roadmaster of the New York Central, died at his home, Lockport, N. Y., on Sunday. J. T. Harahan, vice president and general manager of the Illinois Central, yesterday

completed his tenth year in that position. Traffic over the Belt road has so improved that Superintendent Zion ordered that two more engines and crews be put in service. W. H. Carbee yesterday completed his thirty-second year as messenger of the American Express Company, running between Indianapolis and St. Louis. Mr. Peck, one of the conductors dropped

a few days ago on the Big Four, has been reinstated, and it is said that two others that were dropped will be reinstated. Plans and specifications have been prepared by the Toledo, St. Louis & Western for a new depot at Frankfort. It will be a brick structure resting on stone foundation. T. M. Devereaux, who has been agent of the Merchants' Dispatch Transportation Company at Columbus, to-day goes to Cin-

cinnati as general Southern agent of the L. G. Cannon, formerly of this city, who recently retired as controller of the Colorado Southern, was presented with a dia-mond stud costing \$300 by his associate of-

G. S. McKee, formerly master mechanic of the Big Four, now master mechanic of the Wabash at Fort Wayne, is seriously ill with quinzy, and has been confined to his home for several days.

Barber Thompson, who has been assistant general manager of the Southern Railway, a position abolished a day or two ago, has been made general agent of the company, reporting directly to the second vice presi-

It is stated the Southern Indiana road will construct a seven-mile branch from Jasonville, Ind., to Jackson Hill, on the Evansville & Terre Haute. By this branch they will touch the richest coal fields in the

The second track of the Belt road be tween the Peoria & Eastern tracks and Brightwood was opened to service yesterday. The Belt road, its entire length, with the exception of one mile, is now double-

C. R. Ryan, assistant general passenger agent, A. L. Elliott, traveling passenger agent, and T. A. Garringer, southeastern passenger agent of the Chesapeake & Ohio ines, are on an extended southwestern business trip. The Baltimore & Ohio to-day adds to i

passenger department a new branch, to be under the charge of George De Haven, formerly general passenger agent of the

Tuesday was the largest day with the the Democratic party in this House to de-Indiana, Decatur & Western on business into Indianapolis, the "oad bringing in ninety-eight carloads of corn shipped from points on its line, and would have done more had it cars to fill orders.

freight trains are proving a success. The the evidence read to him, and then the be prescribed peremptorily, and engineers like these engines, as they can body can report. make speed on the favorable stretches of the young men of the State of New Mex- track and climb grades with little trouble. There is said to be unimpeachable evidence that some of the east-and-west lines are again paying commissions on sales of tickets. The matter is being handled It is thought by some that to breaking it down.

It is said traffic managers of the Eastern trunk lines have been asked by President Ingalls, of the Big Four, to meet representatives of Western railroads in Cincinnati the latter part of this week for the purpose of taking steps to restore tariff rates

on west-bound freight traffic. C. E. Wickersham, general superintendent of the Alabama Great Southern, with headquarters at Birmingham, Ala., will succeed George C. Smith as president of the Atlanta & West Point and the Western of Alabama Railroads. Mr. Wickersham Mr. Bryan as voting in the negative, that will assume his new duties in Atlanta on

Frank R. Garrison has been appointed acting general freight and passenger agent of the Findlay. Fort Wayne & Western and on Jan. 1, with the retirement of General Freight and Passenger Agent Finney will succeed the latter. Alexander Strausz, ir., acting auditor, has been appointed au-

ditor of this company.

The freight movement of the middle di vision of the Pennsylvania road between Altoona and Harrisburg was on Friday amendment. No Republican voted last the largest of any day in the road's twenty-four hours. It is stated that the same as above, Page 6819; Journal, same as | October business of the road will exceed any movement in the company's history. Judge Sanborn made an order at St. Paul vesterday for the discharge of the receivers of the Union Pacific Railway Company as receivers of the hospital fund on their paying into the registry of the court the remainder of that fund, which has not been distributed, and placing their report on file for the time prescribed by the rules of the

> pital fund of the railway company was 864, 273, 30. A. Gazlay has been appointed commercial agent of the Grand Trunk at Cincinnati. This agency, in addition to duties with the Grand Trunk Railway system. will look after the interests of the Great Eastern Line National Dispatch, the Reading Dispatch, the Grand Trunk Dispatch and the Commercial Express lines. Their territory will be in the South and parts

court. The amount of money for distribu-

tion to those who contributed to the hos

of Indiana, Illinois and Ohio. E. F. Flinn will be traveling freight agent. The Pittsburg & Lake Erie, Lake Shore in your subscriptions to us at the published | and Wabash carried the Netlson Opera

minutes, two minutes quicker than the fastest train of the Pennsylvania line between St. Louis and Pittsburg. The route is fifty-one miles longer than the Panhandle and Vandalia. An official of the Lake Shore said this should not be taken to mean that a line over these roads between the two points named is to be es-

Charles E. Kimbail, New York, and Samuel P. Wheeler, Springfield, receivers of the St. Louis, Chicago & St. Paul Railroad and the Chicago, St. Louis & Peoria Railway, appeared in the United States Circuit Court at Springfield, Ill., and made final report of receipts and disbursements. These were received and Judge Allen made order discharging them as receivers of the roads in question and approved the order of discharge. This is final action in the suit of the Mercantile Trust Company, of New York, against these roads.

The passenger department of the Lehigh Valley has prepared a table of some fast runs of the Black Diamond express. The regular time of this train, New York to Buffalo, 448 miles, is nine hours and twelve minutes. Special attention is called to the fast run made July 21, when a distance of thirty-four miles was covered in twentythree minutes; another when 43.9 miles was covered in thirty-three minutes, or at a speed of eighty miles an hour. It is stated that frequently this train maintains a speed of a mile a minute between Sayre and Buffalo, a distance of 177 miles.

The Chicago & Grand Trunk Railroad was sold at Port Huron, Mich., yesterday under first mortgage foreclosure proceed ings brought by the Mercantile Trust Company of New York in accordance with a decree of the United States District Court General Manager C. M. Hayes and E. W. Meddaugh, of Detroit, representing the the case of the State of Indiana against stockholders of the road, were the only bidders, the road being sold to them for \$5,708,701.04. Of this amount \$5,437,000 represented the mortgages and \$271,701.04 was interest. Walter Harsha, of Detroit, special master commissioner, conducted the sale, which occupied ten minutes.

A circular from the general offices of the Mobile & Ohio states that henceforth the system will be operated in two divisions. H. W. Clarke, who is now superintendent, with headquarters at St. Louis, has been appointed superintendent of the St. Louis division, with headquarters at Cairo, Ill., and J. B. Clark, superintendent of the Jacksonville division, has been appointed superintendent of the Mobile division Henry Fonde, now superintendent of the Mobile division, has been appointed general agent. The general freight agent of the same road announces that J. E. Cunningham, general agent of the Mobile & Ohio at West Point, Miss., has been assigned to pont Morgan and Melville E. Ingalls were other duties and the position is abolished. re-elected directors for three years. There C. E. Darling has been appointed traveling freight agent, with headquarters at West Point, Miss.

THE REPORTERS

THEY MUST TELL GRAND JURY WHERE THEY GET INFORMATION.

One Newsgatherer, in Running Away Hurt His Foot-Still Another Phase of Higgins Inquiry.

Yesterday afternoon, when the grand fury was about through examining witnesses and the afternoon newspaper reporters were sitting directly in front of the door to the ante-room, where they have "camped" ever since the investigation began, Thomas Shufelton came out and announced that all were to appear before the grand jury. At first this was regarded as a joke or a scare. Mr. Shufelton said the papers had said so much about what the grand jury was doing that they wanted the reporters to appear and tell where they got their information. If there was a "leak" the grand jury was going to find it. After some discussion the reporters became convinced that the juror meant what he said, and when his back was turned a rush was made for the elevator. The hindmost was hailed by Mr. Shufelton before he got around the corner of the hallway and taken into the grand jury room. The others went down in the elevator, declaring they had not been summoned or notified by the prosecutor and would not return. Later, however, they went back, but all did not testify. Prosecutor Pugh says the summons is no joke and the newspaper men

will have to appear before the grand jury and tell how they got their information. In returning to the grand jury room Ray Long, one of the escaping reporters, had a very narrow escape from a serious accident. His foot caught between the elevator and one of the floors, but the quick action of Charles Brown, the elevator man, in reversing the lever, saved it from being crushed off. As it was, his foot was badly bruised and there was a deep cut across the sole of his shoe where it had been

pressed against the edge of the floor. No report was made yesterday owing to the absence of Juror George Hanch, who is detained at home on account of sickness. It was rumored about the courthouse in the afternoon that Hanch had been seen driving around in his buggy and was using his illness as a pretext to delay the report until after election. After the grand jury adjourned Prosecutor Pugh drove out to Hanch's house, six miles in the country, to nvestigate the report. Hanch was not in bed, but said he is unable to make the trip known as the excursion department, to be to the city. Prosecutor Pugh satisfied himself that Hanch was really ill and that it ditch across its right of way in Laporte would not do to attempt to drive to the city unless he improves. It was thought he might be able to be present to-day. Yesterday it was suggested that the evidence might be taken to his house and read to him and all the jurors could go there and make their report. Judge Alford said such a plan would be impracticable, and added The big G-4-A engines recently placed on | that if it became necessary he will disthe Panhandle to haul the fast through charge Hanch, appoint a new juror, have

There is now a story to the effect that the grand jury received evidence yesterday to warrant an indictment on a charge of receiving a bribe as well as soliciting one. It is said that at a recent meeting of the Indiana Brewers' Association a representative of the Indianapolis Brewing Company such a violation of the agreement will lead | said he had spent \$100 in connection with a brewery ordinance, and asked the association to refund the money by each one paying his portion for the benefit derived from the ordinance. It is said Higgins and another councilman were implicated in this deal. The name of the other councilman could not be learned. The following testified before the grand jury yesterday, which shows that the investigation was along that line. Joseph Schaf, of the Ameri-Brewing Company; Fred Grossart, and Charles Setcamp, of the Indianapolis Brewing Company; Andrew Hagan, of the Home Brewing Company; Captain Bieler and his son Charles, of the Anheuser-Busch Brewing Company, and Evans Woollen, attorney for the Brewers' Asso-

The Wilhelm murder case, with other jail cases, were also investigated by the grand jury. Most of the testimony in the Wilhelm case was taken yesterday, and it will be completed in a short time when other mat- \$169 against Kaminsky on their cross ters are out of the way.

All Souls' Eve.

"Mother, I've barred the shutfers close; The wind is loud and wild. "Nor bar nor shutter on this night Will keep it out, my child.' "Mother, what makes you shiver, so? The fire is quick and warm."
"I hear the voices of the damned, That cry upon the storm.'

"Mother, why do they come out to-night To ride upon the wind?" "This one night they have leave to go And pray where once they sinned. 'Mother, sure never sinner's soul Has need of coming here.' "Oh, hush, my child, and let me be! The wind is passing near." "Mother, what sobbed across the floor? What was it shuddered so?

Oh, I am feard, you strain so white And stare so wide with woe! "What was it wailed beside the fire? Oh, hold me in yur arm!"
"Alas! it was the soul of one That wrought us deadly harm." 'Mother, and is he not in hell And burning, heart and limb?"

God knows he is, but would to God

That I were there with him!"

-Katharine Allen, in November Century. "GARLAND" STOVES AND RANGES rates or have the paper delivered to you Company through from Pittsburg to St. | Awarded highest prize Paris exposition 1900.

AND ITS SURGEON

THE FORMER NOT LIABLE FOR LAT-TER'S PROFESSIONAL ACTS.

Judge Leathers's Ruling in a Damage Suit-In the High Courts-Other Cases.

Judge Leathers, of the Superior Court, recently made two rulings in suits affecting the city. One was that of John Allen against Dr. Wilmer Christian and the city of Indianapolis for \$5,000 damages. Allen alleges he had both wrists and a leg broken while performing his duty as a fireman on the city fire force, and was otherwise injured, leaving him permanently crippled. He avers the treatment of Dr. Christian, the police surgeon, was unskilled, and that the phsician was negligent in ministering to him. A demurrer was filed to the complaint, and in ruling on the demurrer Judge Leathers held that so far as the city is concerned it is not responsible for the acts to the suit. He said the city is not bound to supply a surgeon to treat its employes free of charge, and that the surgeon is furnished more through charity; also, that Allen was not compelled to accept the attention of the police surgeon. He held that Allen might attempt to recover from the physician, as it was entirely a personal matter between the two.

The decision, while it is only on a delieves the city for all liability for acts of its employes or agents. Evidence may show in the trial that the city should be a party to the suit filed, but the principle remains unchanged, and unless governed by current circumstances it will apply to all similar cases.

James W. Taylor, another fireman, brought suit for \$58.50, which he alleges is due him. He avers that while he was a member of the fire department the present city administration deducted pay for the | W days off he took each week, amounting to the sum asked for. In ruling on the demurrer Judge Leathers held the act of the city illegal. He said firemen are employed on a salary, and as it was the custom to allow them to have a day off once a week the city had no right to dock him for time

POLICE COURT CASES. John O'Callahan, a Peddler, Heavily

Fined-Other Sentences. In Police Court vesterday John O'Callahan, a peddler, was fined \$100 and costs and given thirty days in the workhouse for drunkenness and \$30 and costs for peddling without a license. Complaint was made that he insulted a woman upon whom he called and who refused to make purchases

was sent to the workhouse on a fine of \$10 and costs and ninety days' imprisonment. Julia Gartner, the woman charged with the theft of a horse and buggy from the stable of Brown, Hinton & Son during state fair week, was bound over to the grand Harrison Bicknell, charged by Mrs. Nickols with embezzling \$200, waived examina-

Oscar Fisher, charged with petit larceny,

tion and was held for examination by the grand jury. William Able and Bertie Stratford, charged with maintaining illegal relations. were each sent to the workhouse on fines of \$25 and costs and imprisonment for 180

A VERDICT FOR \$2,500.

That Amount Awarded to Mary Krug

by a Jury. The jury in the case of Mary A. Krug against the Frank Bird Transfer Company | The and the Indianapolis Street-railway Company for \$5,000 damages last night returned a verdict of \$2,500 for the plaintiff. Last January a street car collided with a cab standing on the west side of the Union Station and she was thrown out through the top of the cab. In the trial the transfer company said the street car company was responsible and the street car company said transfer company was responsible. Mary Krug now has the damage awarded her and it is left with the defendants as to who shall pay it.

In the High Courts.

The Supreme Court yesterday reversed the case of the State of Indiana vs. Milton Osborn and others, holding that one who becomes a bondsman for the appearance of a person charged with crime must, when the case is called for trial, see that the person is there at the time or submit to a forfeiture of the bond. The fact that a person accused is innocent of crime, or that the crime was committed in another county is no defense to an action on the bend, if the man accused does not stand

trial and obtain an acquittal in a legal The P., C., C. & St. L. Rallway Company appealed to the Supreme Court to sustain its opposition to the construction of a drain county, and the appeal has been pending for some time. Yesterday the company appealed for an injunction, but the Supreme Court overruled the motion and refused it. The judgment of \$2,800 recovered by the widow of John Reed against the Union City Electric Light Company for the death of her husband, who was killed by a shock from one of the company's wires, was affirmed by the Supreme Court.

American Bicycle Company Sued. The cases of George W. Marble and George H. Thayer, jr., who each filed a suit in the Marshall Circuit Court against the American Bicycle Company, were yesterday transferred to the Federal Court. Marble and Thayer were the principal owners of the capital stock of the Indiana Novelty Manufacturing Company, at Plymouth. On the 18th day of May, 1899, they agreed to sell and did sell to the American Bicycle Company all of the capital stock of their company. It is alleged by the complainants that under the contract of sale they were to be employed for five years as managers of the new concern at a salary of \$5,000 per year. They further state that they entered upon their duties May 18, 1899, but were discharged March 19, 1900. Each complainant asks damages in the sum of \$25,000.

Endless Chain of Suits.

In the suit of Thomas F. Hensley against Louis Kaminsky and others to foreclose a mechanic's lien Judge McMaster, of the Superior Court, yesterday gave judgment to Maxey & Burnett, codefendants, for complaint, and found for Kaminsky on the original and other cross complaints Judge Allen, of the Circuit Court, also decided a case in which Kaminsky figured in his court. Marcus Lewis brought suit to foreclose a mechanic's lien some time ago, and yesterday Judge Allen gave him judgment for \$157. This is the suit in which it is alleged Kaminsky forged receipt. Kaminsky has now gone around the entire courthouse with his suits, and each judge has heard his side of the various matters that brought him into liti-

Woman Seeks Support.

Margaret A. Ware brought suit against her husband, David A. Ware, the city of Indianapolis, Armin C. Koehne and E. M. Johnson yesterday for support. She says her husband is janitor at the South Side market house, earning \$45 a month, but fails to provide for her and in September abandoned her. The court is asked to prevent City Controller Johnson from issuing warrants for payment for his services and County Treasurer Koehne from paying any that might be presented. She wants an allowance of \$20 a month. They were married Nov. 20, 1355.

Motions in Vandalia Case. The State yesterday filed a number of

for \$913,905, making it larger, and also motion for a new trial. They were all overruled by the judge. This was merely a mat-ter of technicality in order to prepare the records to take an appeal to the Supreme

Files a Cross Complaint. Edgar E. Shilling yesterday filed a crosscomplaint to that of his wife, Grace Shilling, for divorce. He alleges she chased him around with a sharp grass sickle and tried her best to catch him, threatening all the

THE COURT RECORD.

SUPREME COURT. State of Indiana vs. Osborn. Parke Reversed. Monks, J.-1. When a court as jurisdiction of the general subject, and its jurisdiction of the particular case depends upon a fact or facts which are to be tried and determined, the decision of the tribunal, even though erroneous, is not void, but is conclusive against collateral attack. 2. The fact that an offense set forth in an indictment or affidavit and information was actually committed in a county other than the one alleged does not affect the urisdiction of the court to try and determine he cause; and the court has complete jurisdiction to require a recognizance on the part of the defendant for his appearance; and the fact that the crime was committed in another county is no defense to an action on the recognizance after forfeiture of the same. 3. The courts take judicial notice of the names and signatures of their officers. 4. The sureties upon a recog-nizance bond are the jailers of the principal, and are liable for his nonappearance. 18840. Weston Paper Company vs. Pope. Shelby C. C. Petition for rehearing overruled. -Minutes .-

19438. Glenn Dillingham et al. vs. Condie M. Parks et al. Marshall C. C. Additional copies appellants' brief (7.)

1947. Margaret Morell vs. David Morell.

Huntington C. C. Appellant's brief (8.)

19131. James T. Layman et al. vs. Isaac V.

Buck et al. Greene C. C. Appellees' brief on 19415. The Pittsburg, Cincinnati, Chicago & St. Louis Railroad Company vs. Ernestina Malcher et al. Laporte C. C. Appellant's affidavits. Petition for injunction refused. APPELLATE COURT.

3081. Hollis vs. Roberts. Madison C. C. Affirmed. Robinson, C. J.-1. A demutrer to an enswer in bar because "it does not state facts ufficient to constitute a cause of action" sents no question. 2. Where the record fails to show that the trial court made any ruling upon a demurrer to a pleading, no question is pre-sented. 3. The praccipe for the record on appeal should be appended to the transcript.
3193. Union City, etc., Company vs. Jaqua.
Randolph C. C. Affirmed. Black, J.-1. This
court cannot decide questions not presented by the record. 2. To entitle instructions, which were given and excepted to, or which were asked and refused, to receive consideration they must be properly in the record. 3. To question the correctness of the court in suppressing interrogatories an exception to the court's ruling must be saved by a bill of exceptions. 4. Rule 30 of this court requires marginal notes to be made in the bill of exceptions. 5. Rules of the court have the force and effect of rules of law, and parties and counsel must obey them. 6. Where the transcript does not show with certainty the issues tried, this court will not pass upon the action of the trial court in overruling appellant's motion for judgment in his favor upon the special finding, notwithstanding th general verdict, or upon the question as to the sufficiency of the evidence, or upon the action of the court in giving or in refusing to give certain instructions.

3338. Charles I. Knoupf vs. the City of Logansport. Cass C. C. Appellant's additional reply brief (5.) The Pittsburg, Cincinnati, Chicago & St Louis Railway Company vs. John Aldridge. Clarke C. C. Appellee's brief (8.) 3526. Andrew B. Fisher vs. Clem Peak. Sut-livan C. C. Appellant's brief. 3541. Leo Pohlplotz, a minor, by next friend, vs. the Corning Steel Company. Lake C. C. 3208. Eliza A. Flanagan vs. Joseph H. Pelt-mier. Cass C. C. Appellant's points for oral 3358. Wabash Railroad Company vs. Sebastian Miller. Adams C. C. Appellant's reply brief. SUPERIOR COURT.

Room 1-John L. McMaster, Judge. Marcus Lewis vs. Louis Kaminsky et al.; mechanic's lien. Finding and judgment for Maxey and Burnett on their cross complaint against Louis Kaminsky for \$157.80. Finding for defendant Kaminsky on complaint and other cross

Room 3-Vinson Carter, Judge. Nora Coulson vs. Home Benefit Association. Jury returned verdict for plaintiff for \$50.74. Henry S. Doran vs. L. E. and W. R. R. Co.; lamages. Plaintiff dismissed cause Margaret J. Culbertson vs. Jessie Annie Roe et al.; to reform deed and quiet title. Finding for plaintiff. Deed reformed and title quieted. Judgment against plaintiff for costs.

NEW SUITS FILED. Edward J. Mahoney vs. Hattle H. Knight; mortgage foreclosure. Superior Court, Room 2. G. George Krug vs. Agatha Bucher; slander and damages. Demand, \$5,000. Circuit Court. Margaret Wave vs. David A. Wave et al.; support. Circuit Court.
German Building Association of Indiana vs.
Ellen Leary et al.; mortgage foreclosure. Superior Court, Room 3.

THE HICKORY ELM CLUB.

Explained-Conse-Situation

quence of Bryan's Election. "Gentlemen." said the president, when the club had come to order, "it is my duty as the presiding officer of this organization to advise you of the probable consequences of Bryan's election next Tuesday. In order that you may cast your votes for him with your eyes both wide open, I have taken the pains to gather up a few of the more weighy reasons that are being put forth and urged by the enemy why William Jennings Bryan should be beaten out of his boots at the polls, so to speak. With an exception or two, every member of this club can read and write, and if those of you who can read had allowed yourselves to examine some of the documents that Mark Hanna has been sending broadcast over the country, instead of devoting your time to explaining why Webster Davis, Carl Schurz and a few other worthless Republicans happened to get hitched on to Bryan's cart, and why it became necessary for Mr. Bryan to turn over the entire Populistic aggregation that furnishes his chief support to Croker and Tammany Hall, the remarks that I am about to make would have been wholly unnecessary. It is claimed by the Republicans that the Democratic party. to which you are all proud to belong, is an indispensable necessity to the body politic. The reasoning upon which that conclusion is reached proceeds upon the fundamental idea that nothing has been created in vain; that everything has its use, and that it is often devilish difficult to ascertain what some things are here for. They cite the everlasting struggle of the agriculturist with certain species of vegetation which perenially appears between his hills of corn, potatoes, cabbage and cucumbers, and which, if not voted down and turned under, will utterly choke out his crop, and they say that God made the weeds for a good and wise purpose, but they have never discovered the purpose. Along this line of logic they assert and try to prove that it is necessary for this country to have two political parties-one to govern and the other to stand guard. They claim that the Socialists, Populists, Anarchists and Bryanized Democrats of creation were ordained from the beginning to watch the party of progress, to act as a kind of governor, regulator and rub-lock to prevent it from developing the latent resources of the Nation too rapidly, and they call themselves the party of progress. That theory, my friends, may be correct in the main. It may account for the attitude of Carl Schurz and William Lloyd Garrison, who have been doing picket duty on the outposts of national expansion during this campaign, where they have been firing at an imag-

inary despot on horseback with a smoothore musket loaded with wads torn from the Constitution and the Declaration of Independence, but it doesn't account for the active interest of Dick Croker and Tom Taggart, who are in the despot and dictatorial business themselves within their respective jurisdictions. Think of Croker, Taggart, Tillman and Altgeld standing upon the ramparts of liberty on a cold night watching for the approach of an imperialistic enemy of free institutions, honest government in New York, Indianapolis,

> thing is preposterous. The Democratic party as a whole was not created for guard duty. We haven't a man at the front in the party to-day, I am sofry to say, who would risk his life or his health on picket duty fifteen minutes to save the country from the disaster of a panic, mob rule, imperialism or national disgrace if it meant the defeat of Bryanism as well. There is no use to mince words about this matter, and we can't deceive each other if we would. Republicans may speculate upon the nature of Democracy and offer finespun theories to make its existence excusa-ble in the economy of nature, but every

Chicago or South Carolina! Gentlemen, the

without the aid of Republican philosophy or explanation. "But you started out to advise us of the probable consequences of the success of Bryanism, Altgeldism, Goebelism, Tillmanism and Crokerism at the polls next Tuesday," said Colonel Snort. "When are you going to get down to that part of your

"Keep your shirt on, Colonel Snort. will come to the point in a minute. It is necessary that I should lay the foundation for my opinions before firing them into this motions with Judge Carter to amend his club. In the first place, the moment it is judgment against the Vandalla Railroad announced that Bryan is elected a financial when I am out of politics."

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DEPURATOR

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CURED

In the second place, every prophecy of Bryan four years ago will be fulfilled. The factories and mills will close; labor will be unemployed; mortgages will be foreclosed, and want and misery will be over the "That is what Mr. Bryan said would

dore Roosevelt in the autumn following.

happen if McKinley was elected," said Col. Garlic. "Yes, I know, but Mr. Bryan was mistaken in the data upon which he based his predictions. As a seer and a prophet he knew that the gold standard would either ruin the country or bring prosperity, and, in the language of Wall street, he coppered it-that is, he bet to lose. Subsequent events have proved that he was in error; that the silver standard was the card that he should have coppered to win, and he has got his money on that card now, so that if he is elected this time he will have the proud satisfaction of seing his prophecies fuifilled and his reputation as a prophet restored and vindicated. Mr. Bryan is a man that you can't drive. He is stubborn and obstinate when he sees that he is in the wrong, and after the vast amount of ridicule that has been heaped upon his pretensions as a prophet of dire calamity by the Republican press and speakers he will

eastern half of the Nation in the Atlantic "Well, say, Mr. President, if these things are to come to pass when Bryan is elected do not see why you advise the members of this club to vote for him," suggested Dr. Fugelton.

carry out his theory if it submerges the

"And I was about to make that point myself," said Mr. Fungus. The president: "When you fellows have been in this club long enough you will see a great many things in our politics that you don't see now. I am not advising you to vote for Bryan. I am simply telling you what will positively happen according to his own predictions and admissions if he man in this club knows why he is here, is elected. I assume no responsibility in this matter, and I don't want any of you coming to me after soup bones, secondhand coats or overalls next year if Bryan becomes President of the United States." "How are you going to vote, Mr. President?" inquired Captain Skidmonk. "That is a leading question, sir," answered the president. "However, I will say that I do not recollect having said anything to indicate that I would probably

vote for McKinley. I expect to be ex-pres-

wish to be drawn into political controversy wish to be drawn into politics." W. S. H. ident of this club some time, and do not

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